APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/871,816	06/04/2001	Herve Gaudillat	Q64768	1966

7590 03/08/2006	EXAMINER
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC	SHEW, JOHN

Suite 800	ART UNIT / PAPER NUMBER
2100 Pennsylvania Avenue, N.W.	
Washington, DC 20037-3213	2664

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>26 January 2006</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>04 June 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

      1.☒ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1, 4, 5, 6, 7, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Maeshima (Patent No. 6092113) in view of the instant application prior art.

Claim 1, Maeshima teaches a method of managing a telecommunication network (FIG.

1, column 1 lines 30-39) referenced by the telecommunication characteristics of the

Virtual Private Network through the Internet, including receiving connection requests

(FIG. 2, FIG. 5, column 5 lines 29-39) referenced by the IP Datagram 311 received by

processor 307 with contents of IP sending and receiving addresses, said connections

being determined on the basis of parameters contained in said request and including

time requests (FIG. 5, column 6 lines 48-53) referenced by the reservation information

including date and time, verifying the possibility of setting up the connections in

accordance with said parameters (FIG. 5) referenced by steps S22 and S25 confirming

IP tunnel setting and bandwidth possibility by Resource reSerVation Protocol, on the

basis of a database in which all connections are stored (FIG. 2, column 5 lines 16-28)

referenced by the reservation database 308, and updating said database if setting up

said connection is possible (FIG. 5) referenced by step S23 testing possibility of IP

tunnel and step S27 registering information of reservation to the database, wherein the

step of receiving connection requests (FIG. 5, column 6 lines 28-42) referenced by Step

S21 Request for Reservation In Advance, the step of verifying the possibility of setting

up the connections (FIG. 5, column 6 lines 28-42) referenced by Step S22 Confirming

IP Tunnel Setting Possibility by RSVP, and the step of updating said database (FIG. 5,

column 7 lines 43-53) referenced by Step S27 Registering Information of Reservation to

Database, are performed by a scheduler program (FIG. 5, FIG. 10, column 4 lines 1-18)

referenced by the Packet Scheduler 401. Maeshima does not teach a scheduler

program which spans a services management layer and a network management layer.

The instant application prior art teaches a scheduler program which spans a services

management layer and a network management layer (Fig. 1, page 4 lines 24-26)

referenced by PGA scheduler program spanning a Services Management Layer and a

Network Management Layer.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the scheduler program of the instant application to the method

of constructing a VPN having an assured bandwidth of Maeshima for the purpose of

managing a telecommunications network through means for reserving connections

allowing for time parameters.

Claim 4, Maeshima teaches said time parameters correspond to series of time intervals

having an aperiodic character (Abstract lines 1-15, column 6 lines 48-53) referenced by

a reservation with time date information which by itself is aperiodic.

Claim 5, Maeshima teaches said time parameters include data corresponding to an

absolute time and a finite duration (FIG. 5, FIG. 6, column 6 lines 28-67, column 7 lines

1-8) referenced by the reservation information starting at a specific date and time step

S28 with a termination of the reserved bandwidth step S32.

Claim 6, Maeshima teaches the updating of available connection in said database

allows for said time parameters (FIG. 5) referenced by the registering information of

reservation to the database step S27.

Claim 7, Maeshima teaches a telecommunications network management unit (FIG. 2)

referenced by the traffic control in router, including means for receiving connection

requests (Fig. 2) referenced by the Processor 307 receiving IP Datagrams 311, said

connections being determined on the basis of parameters contained in said requests

(column 5 lines 29-37) referenced by parameters including IP sending and receiving

addresses, and including time parameters (column 6 lines 48-53) referenced by the

reservation information including date time and bandwidth, means for verifying the

possibility of setting up the connections in accordance with said parameters on the

basis of a database in which all calls are stored (FIG. 5, column 6 lines 37-47)

referenced by steps S22 and S25 confirming the possibility of IP tunnels and

bandwidths, means for updating said database accordingly (FIG. 5) referenced by step

S27 which registers the reservation information to the database, and means for

reserving connections allowing for time parameters (FIG. 5, column 6 lines 48-53)

referenced by the reservation of the IP tunnel connection at the date and time.

Maeshima does not teach a means for receiving connection requests spans a services

management layer and a network management layer.

The instant application prior art teaches a means for receiving connection requests

spans a services management layer and a network management layer (Fig. 1, page 4

lines 24-26) referenced by means of the PGA scheduler program spanning a Services

Management Layer and a Network Management Layer.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the scheduler program of the instant application to the method

of constructing a VPN having an assured bandwidth of Maeshima for the purpose of

managing a telecommunications network through means for reserving connections

allowing for time parameters.

Claim 8, Maeshima teaches means for updating connection in said network according to

the content of said database which contains reservations allowing for time parameters

(FIG. 5, column 6 lines 28-57) referenced by step S27 which registers the reservation

information including time and date to the database thereby updating the database.

Claims 2, 3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maeshima

et al. and the instant application as applied to claim 1 above, and further in view of Abe

(Patent No. 6115382).

Claims 2, 3 Maeshima teaches a network management method with time parameters

corresponding to time intervals (FIG. 5, column 6 lines 48-53) referenced by the

reservation information including date and time. Maeshima does not teach periodic time

intervals.

Abe teaches network management with time intervals having a periodic character (FIG.

8, column 3 lines 25-40) referenced by the periodic reservation unit 802.

Abe teaches time parameters take the form of a duration of uses/reservations repeated

daily and/or weekly and/or monthly (FIG. 8, column 8 lines 56-67, column 9 lines 1-

3,FIG. 18) referenced by the periodic contention for daily or weekly or monthly.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the periodic reservation unit of Abe to the VPN reservation

system of Maeshima and the instant application for the purpose of proving greater

freedom in reservation control as suggested by Abe (column 3 line 40).

Response to Arguments

3.   Applicant's arguments filed 2/26/2006 have been fully considered but they are

not persuasive. The examiner respectfully maintains the grounds for rejection. The

claim 1 limtations of "the step of receiving connection requests, the step of verifying the

possibility of setting up the connections, and the step of updating said database are

performed by a scheduler" are all taught by Maeshima. Maeshima teaches wherein the

step of receiving connection requests (FIG. 5, column 6 lines 28-42) referenced by Step

S21 Request for Reservation In Advance, the step of verifying the possibility of setting

up the connections (FIG. 5, column 6 lines 28-42) referenced by Step S22 Confirming

IP Tunnel Setting Possibility by RSVP, and the step of updating said database (FIG. 5,

column 7 lines 43-53) referenced by Step S27 Registering Information of Reservation to

Database, are performed by a scheduler program (FIG. 5, FIG. 10, column 4 lines 1-18)

referenced by the Packet Scheduler 401. Maeshima does not teach a scheduler

program which spans a services management layer and a network management layer.

The instant application prior art teaches a scheduler program which spans a services

management layer and a network management layer (Fig. 1, page 4 lines 24-26)

referenced by PGA scheduler program spanning a Services Management Layer and a

Network Management Layer.

It would have been obvious to one of ordinary skill in the art at the time the invention

was made to incorporate the scheduler program of the instant application to the method

of constructing a VPN having an assured bandwidth of Maeshima for the purpose of

managing a telecommunications network through means for reserving connections

allowing for time parameters.

Maeshima discloses a method for reserving the assurance of the bandwidth on the

designated date and time in the future (Abstract lines 9-15), as such the reservation

request must contain time and date information. Further, in order to implement such a

future bandwidth reservation system, a scheduler is used to transmit the packets based

on the reservation information of the database. A scheduler program which spans a

services management layer and a network management layer is cited as prior art from

the instant application (Fig. 1, page 4 lines 24-26). The applicant's argument that

portions of Fig. 1 is not prior art is not considered. The discussion of three layers of

software EML, NML and SML are all described under the specification section

"Description of the prior art" (page 2) which is reflected in the Fig. 1 diagram of the three

layers. Since the PGA program is clearly shown in Fig. 1, it is considered prior art and

therefore usable in prior art rejections.

1.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John L. Shew whose telephone number is 571-272-

3137. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Seema Rao can be reached on 571-272-3174. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

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**FRANK DUONG
PRIMARY EXAMINER**